

MAULES CREEK COAL MINE BIODIVERSITY OFFSET AND ROMA BORE ELECTRICITY
TRANSMISSION LINE: Maules Creek Coal Mine (MCCM), Project Approval 10_0138.

Thank you for the opportunity to make a submission to the Modification 9 Report for the proposed modification. The Maules Creek Branch of the Country Women's Association of NSW object to Modification 9.

Our Branch was established in Maules Creek in 1923. Our objectives include to improve conditions for women and families especially in the country and to increase the viability of rural communities and the environment.

We have listened and engaged with the Maules Creek Coal mine to the best of our ability. In 2016, the then Deputy Planning Secretary in correspondence to us wrote:

"the Department considers that the Community Consultative Committees (CCC) should be used as the primary mechanism for the community to raise concerns about the environmental performance of the mine...."

September 2016 we wrote a letter to the CCC via the chairperson listing our concerns of environmental performance including: the concern that biodiversity offset land vegetation types may contain significant errors and that have still not been independently verified, potentially inaccurate labelling of Box-gum woodland EEC/CEEC - Derived Native Grassland, the Management of commonwealth offsets and mapping concerns.

- Further, due to our concern, a specific action we requested in our correspondence was for a joint panel of expert government, community and company ecologists to conduct an on-ground truthing of the offsets: this was rejected.
- We have requested via the ccc chairperson that the mining company proactively desist from planned vegetation clearing. This was rejected.
- We have also expressed our concern as to the speed and impacts of habitat loss. By Year 5 the clearing was at Year 15 according to a comparison between google mapping and proponent's mapped projections of 5, 10 and 15 year clearing plans. (Maules Creek Coal Project EA - main report - Part 1, 5 yr plan is figure 10 on page 33, 10 yr plan is figure 11 on page 34, 15-year plan is figure 12 on page 35)

We have done this work to protect our local environment and for intergenerational equity. We are not comfortable with leaving the fate of our local endangered ecological communities to the MCCM to act to protect CEEC and NSW listed native plants and animals. There needs to be changed. Modification 9 must not be approved; it is not in the public interest.

The Modification:

As described, the MCC is seeking the Modify the Project Approval to authorise: changes to the existing biodiversity offset strategy; and to construct and use an electricity transmission line (ETL) to the Roma Bore.

1. We strongly object to the expansion of the MCCM via the ETL and increase in the project approval and project boundary by creating an ETL site to the Roma Bore based on the following concerns.

- Roma is a property where healthy food should be grown
- Roma should not be industrialised and become part of this mine site.
- The land use type should be retained for farming and current and future farming.
- Public land including roads should not be converted handed to a mining company.
- Approval creep is evolving this project into an increasingly ecologically unsustainable development for our region and
- this form of increasing the footprint should not be encouraged via an approval.
- The focus on jobs in our region is no longer a justification. The MCCM is increasingly automated and does not require human operators for its Autonomous Haulage System (AHS). MCCM has reported to the community its rapidly expansion of its autonomous operating mining dump trucks. For example, in 2020 MCCM reported six AHS trucks and now it has 18 AHS trucks and there are also AHS excavator(s) in operation.

The ETL causing the expansion of the mine site of the modification is not in the public interest and should be rejected. This is not the project the local community and the people of NSW were promised and its costs to humanity now far outweigh corporate profits.

2. We strongly object to this application to modify the Project Approval to authorise changes to the existing biodiversity offset strategy for mining in Leard State Forest.

We see no justification to this Administrative Modification.

- We do not consider this Modification to the Project Approval 10_0138 (PA) will strengthen the proponent's obligation to minimise harm to the Environment (Schedule 2, Administrative Conditions 1.)
- We believe that the Environment will degrade further if these proposed changes to the proponent's PA obligation are approved.
- If the government finds this Mod. acceptable, it will embolden the proponent to seek further modifications to the PA and to contemplate new coal expansion: in the Biodiversity Corridor.
- It was noted by Maules Creek Mine staff at the recent Triple Triple CCC- the "Vegetation buffer Corridor" (Schedule 2, Administrative Conditions, Limits of Approval, Condition 7, is not in perpetuity.
- Any weakening of the approval that has a risk of local ecosystem collapse and directly or indirectly opens opportunity for further expansion and a slowly unfolding increase in greenhouse gases is completely unacceptable and below community expectations in 2022 and beyond.

Considering the level of clearing from mining in the Leard State forest, we believe that local, threatened communities listed at NSW level and Federal level are at risk of collapse and then extinction unless something changes.

- The contents of this Modification and the last 12 years of the Maules Creek Coal mine EAs and public relations in our region does not give us confidence, that the Maules Creek Coal mine has the focus or expertise within its organisation and its

sphere of influence to fulfil the obligations from the EPBC Approval and the NSW Approval in relation to biodiversity. This is a serious concern considering the level of land ownership by mining in our region.

It was our understanding that the proponent was granted Approval on the condition that it secure the offsets in return for clearing a large area of a critically endangered woodland and that these lands would be independently verified.

- We are not satisfied that the modification for offsets has been adequately, independently verified.

We believe that the Project Approval controls currently on the destruction of the Critically endangered ecological communities must not be removed or watered down.

- We notice that the rehabilitation of the northern overburden of the mining site is not helpful to re-establishing destroyed community types we saw removed in 2015/16. We see the loss of topsoil quality and depth from the original site, and specifically loss of topsoil seed reserves, affects the rehabilitation potential of sites.
- We recognise that ecological Protection is a very complex area and critically important work needs to be thoughtfully carried out to prevent the collapse and extinction of the ecosystems in the North West.

We are now deeply concerned at the prospect of a complete failure of the Plan and the potential outcomes of this proposal.

Modification 9 in order to offset biodiversity impacts from its project has come up with very different Project Approval offsets plan request than is currently approved.

To our understanding this new Plan:

- wants to change mapping as to where and what communities occur in existing properties.
- It wants to change the quantity or quality of threatened communities on the existing offsets and
- it wants to take five properties away and then add another five properties. These have different vegetation types and are in different bioregions to the original approval and the Leard State Forest.

Firstly, this is a lot to comprehend in such a short time, after all of these years of being told face-to-face, that it is all good and that the MCCM is working to its PA.

Secondly, how do we know that what is said this time around is what it is said to be?

- This Mod 9 Plan contests the previous assessment. Vegetation mapping in 2011 is much larger than the Mod 9 mapped Hectares (ha). Between Mt Lindesay, Wirradale and Wongala properties in 2011 and 2013 there was 4,192.43 ha of Critically Endangered Ecological Community and by 2022 there is only 2,580 ha of total Critically Endangered Ecological Community. This is surprising and unexpected and unverified.

This is not a minor matter to our members.

Further, this Modification is seeking the NSW Planning Department to allow offsets that are based in Tingha- the New England bioregion has a different climate, elevation and therefore communities to the Leard State Forest, in the Brigalow-Belt South Bioregion.

The scale of this fossil fuel development dug under critically endangered ecosystems at a critical times of biodiversity loss must not be fixed by paperwork: an administrative modification. Particularly a development that claims to the community that it work to its project approval and therefore it is ecological sustainable development.

Therefore, we question how any offsets from a different bioregion being used to fulfil the EPBC obligations is not going to assist the Leard State Forest and surrounding environment that relies of this biodiversity sink.

- This does not fulfil the commitments made by the proponent to the people of NSW and does not fulfil the conditions set by the Commonwealth to protect EPBC plants and animals. We value our environment greatly and recognise it's importance in sustaining life on earth.

We are already concerned about the verification of the offset lands. This is further called into question by the timing of the surveys conducted in 2020 and 2021 and the impact this could have on the capacity of a consultant from AMBS to accurately identified Federal and NSW critically endangered ecological communities, the threatened ecological communities and the types, sizes and extents of these.

- We understand that this is a very complex area of science and the mapping and actual data and field assessment need to be transparent and peer reviewed. This step seems to be missing from the Modification application and is a key concern.

We don't agree that this administrative modification to the PA will adequately mitigate impacts on biodiversity for critically endangered communities that have already been cleared.

- Community expectation requires verification before any approval of Mod 9 in a timely manner.
- After previously inaccurate assessments, and verification by consultants hired directly by the proponent must result in a change to who and how offsets are verified in order to protect ecosystems. It has caused delay and is ultimately destructive to plants and animals' habitat and is not improving or protecting our world for future generations.
- Explicitly stated, the community are concerned that without any independent verification by ecologist not directly paid by the proponent or scrutiny from the community the outcome for mitigation and survival of CEECs is poor. Especially if it sets a precedent.
- Waiting for the Biodiversity Conservation Trust to verify offset conditions and classes, once the Mod 9 is approved is below community expectation for verification of this Modification 9.

Therefore, we recommend and ask that the Planning Department have respect for the community and experts who work and live and protect the North West bioregions. We do not believe it is just or acceptable to allow a rushed process to be used to approve the Modification to the Project Approval.

We recommend that this Modification decision:

- Invokes the precautionary principle to mitigate and prevent further ecosystem loss.
- Use a regulatory approach that enforces timely mitigation of impacts on biodiversity.
- We think that on balance there exists a risk to local biodiversity if this Mod 9 is approved and we ask that in this case it acts as though the risk to the environment is real.

Additionally, we understand that to satisfy EPBC 2010/5566 Condition 11A requires independent verification of the five new offsets proposed.

- This independent verification model must not be more of the same.
- Again a new strategy for determining independence from the mining company's sphere of influence is required for community confidence.

This is the time for the government on behalf of local and broader community to act, to engage the precautionary principle and stop further loss of habitat.

Maules Creek Branch of the Country Women's Association of NSW.